

REMARKS

This Amendment, submitted in response to the Office Action dated November 15, 2006, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1, 2, 4-8, and 10-15 are all the claims pending in the application. Applicant has amended claims 1 and 7 to include the subject matter of claims 3 and 9, respectively. Claims 3 and 9 have consequently been canceled. Further, claims 1 and 7 have been amended to recite "wherein at least a part of said quality field is used for indicating a destination of said signal and a detection of this indication of said destination is said analysis result" which Applicant submits is not disclosed in the art cited by the Examiner. Consequently, claims 1 and 7 and their dependent claims should be deemed allowable.

As a preliminary matter, Applicant submits where the applicant traverses any rejection, the Examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it. (MPEP 707.07(f) "Answer All Materials Traversed"). Applicant notes that the Examiner did not address Applicant's arguments with respect to the Examiner's rejection of claims 2, 3, 6, 8, and 9, as submitted in the Amendment filed August 16, 2006. Consequently, Applicant requests that the Examiner address all of Applicants' arguments as submitted in the Amendment filed August 16, 2006, which the Applicant submits herein for the Examiner's convenience.

I. Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-8, and 10-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Matsuzawa et al. (U.S. Publication No. 2003/0067929)¹.

Claims 1, 5, and 7

Claim 1 recites “at least one input for receiving a **signal comprising a first field which is directly analysable and a second field which is analysable after a processing.**” In response to the Applicant’s arguments that Matsuzawa does not teach a second field which is analysable after a processing, the Examiner now asserts that Matsuzawa teaches an LLC header 205 which is a three-byte identifier representing the upper-layer protocol.

LLC header 205 is a Logical Link Control header which is a three-byte identifier representing the upper-layer service defined by the 802 committee. Generally, the header having a value such as AA.AA.03 which represents the Subnetwork Access Point, is used. See page 6, para. [0078]. However, there is no teaching or suggestion that the LLC header is a field which is analysable after a processing.

Claim 1 recites “a processor for performing said processing of second information originating from said second field.” The Examiner now asserts on page 6 of the Office Action that the LLC header processing unit 306 teaches the claimed processor processing of second information originating from the second field. Assuming *arguendo*, the Examiner is citing

¹ Applicant notes that Matsuzawa et al. (U.S. Publication No. 2003/0067929) does not qualify as prior art under 35 U.S.C. § 102. However, Matsuzawa Publication No. 2003/0067929 is a continuation of application number 09/267,769 granted U.S. Patent No. 6,490,292 which qualifies as prior art under 35 U.S.C. § 102(e). Consequently, Applicant submits the following comments in traversal of the rejection.

datagram processing unit 301 or L3/MAC processing unit 305 for teaching the claimed processor, datagram processing unit 301 or L3/MAC processing unit 305 do not perform processing of LLC header 205, which the Examiner cites for teaching the claimed second information originating from said second field.

Claim 1 recites "a second analyser coupled to said processor for analysing processed second information." On page 2 of the Office Action, the Examiner asserts that LLC header processing unit 306 teaches the claimed second analyzer. However, the Examiner has already cited the LLC header processing unit 306 for teaching the claimed processor. The Examiner cannot cite the same aspect of the reference for teaching distinctly different claim elements.

Further, according to the Examiner's circular reasoning the LLC header processing unit 306 (second analyser as cited by the Examiner) is coupled to the LLC header processing unit 306 (processor as cited by the Examiner) for analyzing processed second information. However, there is no teaching or suggestion that the LLC header processing unit 306 would be coupled to itself for analyzing processed second information. Consequently, the Examiner's rejection is improper and another aspect of the reference or another reference should be cited for teaching this aspect of the claim.

Assuming *arguendo*, the Examiner is citing datagram processing unit 301 or L3/MAC processing unit 305 for teaching the claimed processor, the LLC header processing unit 306 determines an upper-layer protocol based on the value of the LLC header described in the received MAC frame and delivers the data to the datagram processing unit 301 or the L3/MAC processing unit 305 (cited by the Examiner for teaching the claimed processor). However, the LLC header processing unit 306 does not analyze processed second information since the LLC

header processing unit 306 is delivering data to be processed to the datagram processing unit 301 or the L3/MAC processing unit 305. Therefore, the data of the LLC header processing unit 306 is not processed second information.

Claim 1 recites "at least one output for sending a further signal to a further network-unit and comprising a third field which is directly analysable and a fourth field which is analysable after a processing in said further network-unit." The Examiner asserts that para. 131 of Matsuzawa teaches this aspect of the claim. The aspect of Matsuzawa cited by the Examiner discloses conducting a search in a datagram flow table 303 using datagram flow identifying information. However, there is no teaching or suggestion of sending a further signal let alone that the signal comprises a third field and a fourth field, as claimed.

In response to Applicant's arguments, the Examiner asserts on page 6 of the Office Action that it is inherent to send a further signal that comprises a third field and a fourth field. However, assuming *arguendo* third and fourth fields of a signal are inherent, it is not inherent that the third field is directly analysable or that the fourth field is analysable after a processing, as claimed.

For at least the above reasons, Applicant submits that claim 1 and its dependent claims should be deemed allowable. To the extent claims 5 and 7 recite similar elements, claims 5 and 7 and their dependent claims should be deemed allowable for at least the same reasons.

Claims 2, 6, and 8

Claim 2 recites, *inter alia*

...wherein the network-unit further comprises
a first generator coupled to said at least one
output for generating said third information, and

a second generator coupled to said at least one output for generating said fourth information...

The Examiner asserts that this aspect of the claim is disclosed in steps 405-409 and para. 101 of Matsuzawa. The aspects cited by the Examiner disclose searching a next-hop information table 370 according to a cut-through label identifier. However, there is no teaching or suggestion of a first generator which outputs third information or a second generator which outputs fourth information. For at least the above reasons, claim 2 should be deemed allowable. To the extent claims 6 and 8 recite similar elements, claims 6 and 8 should be deemed allowable for at least the same reasons.

Claim 12

Claim 12 recites "wherein said first field comprises a plurality of subfields, wherein one of the plurality of subfields comprises the first information." The Examiner asserts that cut-through declarator 101, flow identifier 102 and link address 103 of Fig. 1 disclose the claimed subfields of the first field.

On pages 6 and 7 of the Office Action, the Examiner asserts that the OUI field of the SNAP header as illustrated in Fig. 2, discloses the claimed first field. However, cut-through declarator 101, flow identifier 102 and link address 103 (subfields as cited by the Examiner) are not part of the OUI field (first field as cited by the Examiner). Cut-through declarator 101, flow identifier 102 and link address 103 form components of the MAC frame 201. See Fig. 2. Cut-through declarator 101 corresponds with cut-through declarator 206 of the MAC frame, flow identifier 102 corresponds with flow identifier 207 of the MAC frame, and link address 103 corresponds with either destination MAC address 202 or source MAC address 203 according to a protocol implementing the cut-through function provided in the nodes. See paras. 76, 80 and 82.

Therefore, Matsuzawa does not disclose a first field (OUI field as cited by the Examiner) comprising a plurality of subfields. Specifically, cut-through declarator 101, flow identifier 102 and link address 103 do not form the OUI field. For at least the above reasons, claim 12 should be deemed allowable.

Claim 13

Claim 13 recites “wherein said first field is the first occurring field among a plurality of fields of a packet of the signal.” On page 2 of the Office Action, the Examiner asserts that the cut-through label identifier in the OUI field of the SNAP header teaches the claimed first field. It is apparent upon viewing Fig. 2 of Matsuzawa that the OUI field, first field as cited by the Examiner, is not a first occurring field among the plurality of the MAC frame 201 (signal as cited by the Examiner).

For at least the above reasons, claim 13 should be deemed allowable.

Claim 14

Claim 14 recites “wherein said first information comprises an indication of a relevance of the second information.” The Examiner asserts that paragraph [0020] of Matsuzawa teaches this aspect of the claim. The aspect of Matsuzawa cited by the Examiner discloses that information indicating whether the datalink-layer switching (cut-through transfer) is to be performed, and the identifier to be used in this datalink-layer switching, can both be carried while being included in the upper-layer-protocol identifying information region of the datalink frame, and then the length of the network protocol data can be fixed irrespective of whether the datalink frame is to be transferred by the datalink-layer switching or the conventional network-layer processing.

There is no teaching or suggestion that information in the cut-through label identifier of the OUI field (first field as cited by the Examiner) comprises an indication of relevance of information in the logical link control header 205 (second field as cited by the Examiner). Consequently, claim 14 should be deemed allowable.

II. Claim Rejections under 35 U.S.C. § 103

Claims 3 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuzawa et al. in view of Mauger et al. (EP 1001577). Claims 3 and 9 should be deemed allowable by virtue of their dependency to claims 1 and 7 for at least the reasons set forth above. Moreover, Mauger does not cure the deficiencies of Matsuzawa.

Claim 3 recites “wherein said first field comprises a quality field for indicating a quality, with said second field comprising an IP-address field for indicating an IP-address.” The Examiner concedes that Matsuzawa does not teach this aspect of the claim and cites Mauger to cure the deficiency. Assuming *arguendo*, Mauger teaches this aspect of the claims, it would not be obvious to modify the OUI field of Matsuzawa (first field as cited by the Examiner) with a quality field. The OUI field of Matsuzawa includes a cut-through declarator which indicates whether network layer processing is to be performed. Consequently, modifying the OUI field of Matsuzawa to include quality information would result in a substantial modification of the principle of operation of the MAC frame of Matsuzawa, evidencing that the Examiner’s reasoning is a result of impermissible hindsight. MPEP 2143.01.

For at least the above reasons, claims 3 and 9 should be deemed allowable.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Appl. No.: 10/084,217

Attorney Docket No.: Q68604

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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